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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/772,620	02/05/2004	Ronald Richard Rayburn	20714-0027	5081
65985 7590 04/01/2008 MCNEES WALLACE & NURICK LLC 100 PINE ST. P.O. BOX 1166 HARRISBURG, PA 17108-1166				
EXAMINER HARTMAN JR, RONALD D				
ART UNIT 2121		PAPER NUMBER		
MAIL DATE 04/01/2008		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/772,620

Applicant(s)

RAYBURN ET AL.

Examiner

Ronald D. Hartman Jr.

Art Unit

2121

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 December 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7 and 9-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7 and 9-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-5, 7 and 9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, line 9, "the instant message" lacks proper antecedent basis.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-5, 7 and 9-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Sue, U.S. Patent No. 7,310,344.

Claim 1 recites a method of remotely monitoring building equipment comprising providing at least one item of building equipment communicably linked to a router, the router being communicably linked to an instant messaging server; providing at least one remotely located interface, the at least one remotely located interface being communicably linked to the instant messaging server; gathering data from the at least one item of building equipment with the router; packetizing the gathered building equipment data into at least one data packet; encapsulating the at least one data packet into the instant message; and transmitting the encapsulated at least one data packet in

an instant message from the router to the at least one remotely located interface through the instant messaging server.

All of these features are believed to be disclosed or rendered inherent by the disclosure of Sue, specifically Figures 1 and 3, and their corresponding textual descriptions. Also, the claimed features of packetizing and encapsulation are believed inherent to the disclosure of Sue, specifically since Sue teaches that the communication network may be the Internet. Additional extrinsic evidence relied upon are descriptions of "Encapsulation" and "How Encapsulation Works", both found using www.Wikipedia.com.

Claims 2-5, 7 and 9 are all taught or rendered inherent to the disclosure of Sue and are also rejected by virtue of claim 1 being rejected.

Claim 10 recites a method of remotely monitoring building equipment comprising providing at least one item of building equipment communicably linked to a router, the router being communicably linked to an instant messaging server; assigning addresses to each item of building equipment to permit electronic identification of each item of building equipment, creating a unique profile for each item of building equipment, and associating the unique profile with each assigned address for each item of building equipment; providing at least one remotely located interface, the at least one remotely located interface being communicably linked to the instant messaging server; gathering data from the at least one item of building equipment with the router; and transmitting the data from the router to the at least one remotely located interface in an instant message through the instant messaging server.

All of these features are believed to be disclosed or rendered inherent by the disclosure of Sue, specifically Figures 1 and 3, and their corresponding textual descriptions. Also, the claimed features of packetizing and encapsulation are believed inherent to the disclosure of Sue, specifically since Sue teaches that the communication network may be the Internet. Additional extrinsic evidence relied upon are descriptions of "Encapsulation" and "How Encapsulation Works", both found using www.Wikipedia.com.

Claims 11-17 are all taught or rendered inherent to the disclosure of Sue and are also rejected by virtue of claim 10 being rejected.

Claim 18 recites a system for remotely monitoring building equipment, the system comprising: at least one item of building equipment; a router communicably connected to the at least one item of building equipment to receive data from the building equipment, the router having a microprocessor and a memory storing computer program executable by the microprocessor, the computer program comprising computer instructions for gathering data from the connected building equipment, converting the data, packetizing the converted data, and encapsulating the packetized data into an instant message; and an instant messaging server communicably connected to the router, the instant messaging server being configured to receive an instant message from the router and to transmit the instant message to at least one remotely located interface.

All of these features are believed to be disclosed or rendered inherent by the disclosure of Sue, specifically Figures 1 and 3, and their corresponding textual descriptions. Also, the claimed features of packetizing and encapsulation are believed inherent to the disclosure of Sue, specifically since Sue teaches that the communication network may be the Internet. Additional extrinsic evidence relied upon are descriptions of "Encapsulation" and "How Encapsulation Works", both found using www.Wikipedia.com.

Claims 19-26 are all taught or rendered inherent to the disclosure of Sue and are also rejected by virtue of claim 18 being rejected.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald D. Hartman Jr. whose telephone number is (571) 272-3684. The examiner can normally be reached on Mon.-Fri., 11:00 - 8:30 pm, EST.

Art Unit: 2121

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert Decady can be reached. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ronald D Hartman Jr./

Primary Examiner, Art Unit 2121

March 28, 2008

RDH